

REMARKS

Claims 1-40 remain for consideration in this application. In view of the foregoing amendments and remarks hereunder, the rejections of the last office action are respectfully traversed.

In the Office Action mailed November 28, 2005, claims 1-4, 6-9, 12-14, 16-23, 25, 28, 31-33, 35-40 were rejected under 35 U.S.C. 102(e) as being anticipated by Anfinsen. It is the Examiner's position that Anfinsen discloses a wheat-containing bakery product comprising vital wheat gluten, standard bread flour, hydrolyzed wheat protein, carbohydrate (which may include a non-digestible carbohydrate such as resistant starch), and a moisture managing agent selected from soy protein isolate and caseinate. Applicants have amended independent claims 1, 9, 20, 28, and 39 to remove both wheat protein isolate products and hydrolyzed wheat protein products from the Markush group of proteinaceous ingredients. Anfinsen does not teach using a modified wheat protein concentrate product formed by dispersing wet gluten in an ammonia solution followed by spray drying, a devitalized wheat gluten product, a fractionated wheat protein product, or a deamidated wheat gluten product as presently claimed. In view of these claim amendments, Applicants request that the §102(e) rejection to Anfinsen be withdrawn.

Claims 5, 15, 24, and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anfinsen. These claims recite various chemical leavening agents. It is the Examiner's position that the claimed chemical leavening agents are well known in the art and that it would have been obvious to use any known leavening agent with the products disclosed by Anfinsen. The amendments to independent claims 1, 9, 20, 28, and 39 render this particular obviousness rejection moot. Anfinsen does not provide any teaching or motivation to use any of the claimed wheat protein products that are recited in the Markush group. Therefore, Applicants request that this rejection be withdrawn.

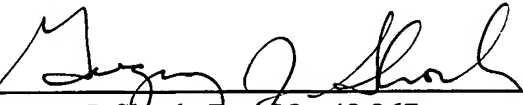
Claims 10, 11, 29, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anfinssen in view of Haralampu et al. Haralampu et al. was cited as disclosing types of granular, chemically modified resistant starch. Haralampu et al. does not make up for the shortcomings of Anfinssen in view of the amended Markush group of independent claims 1, 9, 20, 28, and 39. Therefore, Applicants request that this rejection be withdrawn.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 
Gregory J. Skoch, Reg. No. 48,267
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANTS

(Docket No. 33979)